

FINAL



WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
May 16, 2005

**PRESENT:** LEON METHOT, VICE CHAIRMAN; HELEEN KURK, SELECTMAN; DONNA M. OSBORNE, SELECTMAN; JOSEPH M. FIALA, SELECTMAN

**TOWN ADMINISTRATOR:** ROBERT CHRISTENSEN

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** Frank Campana, Forrest Esenwine, Ginger Esenwine, George Malette, Chief Gregory Begin, Don Boisvert, Paul Morin, Chuck Metcalf

**6:34 Vice Chairman Methot called the meeting to order.**

**1. PUBLIC PARTICIPATION** – Mr. George Malette suggested to the Board that they might like to attend a Church Old Home Day to be held on Saturday, August 27, 2005 as an avenue to communicate with the citizens of Weare. Mr. Malette would like to see a separate site for volunteer opportunities and what openings are available on the town website.

Ms. Karen Irwin of Hopkinton asked the Board for their support with a letter of petition regarding house bill No. 515 concerning construction and demolition debris. Ms. Irwin informed the Board that many surrounding towns such as; Hopkinton, Concord, Barnstead and Henniker have already signed the bill showing their support. Ms. Irwin asked the Board if they were willing to sign the Bill. Selectman Kurk stated that the Bill has been mentioned to the Board but they have not discussed it in length. Ms. Irwin informed the Board that the Bill was going before the House of Representatives on Tuesday, May 17, 2005 and if they planned on signing please contact their State Representative and ask them to support it as well.

**2. DEPARTMENT HEAD** – Chief Gregory Begin mentioned that 25 members of the Happy Weare-ites had a nice visit to the Safety Complex and sent a letter thanking the Department.

Chief Begin asked the Board for their approval in accepting a fee for copies of all documents, reports and related materials, including but not limited to: photos, audio and video tapes. These fees are to offset the cost of research and preparation of any/all requested documents. The fee will be \$20.00 per report which the Chief feels is reasonable. Selectman Kurk stated that this fee money goes into the General Fund.

**Selectman Fiala moved, Selectman Osborne seconded to accept the Weare Police Department Schedule of fees for copies as presented by Chief Begin dated May 16, 2005. Passed 4-0-0.**

Chief Begin stated that they have been billing \$38 per hour/per officer for extra duty details and that they haven't been charging a fee for vehicle use. Effective June 1, 2005 the Department will start charging \$10 per hour/per vehicle for vehicle usage. Chief Begin stated that there are details for Comcast, Granite State

## FINAL

Telephone, and Construction sites where cruiser lights are needed to help slow down traffic. There is a separate cost for town/community or SAU events and no billing for elections. It was stated that details for Memorial Day and the Patriotic Celebration will come out of the Police budget using overtime. This breakdown makes sure that the town does not incur any expense. The \$10 hourly fee for vehicle usage will help to cover the cost of gas and wear and tear on the vehicle. Selectman Kurk stated that at the moment we don't have a reliable fleet so how can we have a vehicle go out for details if we don't have enough vehicles now. Chief stated this is for when a vehicle is available and having one does help slow the traffic down and if not then the officers go without. Mr. Christensen stated that the \$10 per hour for the vehicle usage could possibly go into the Capital Reserve Fund. Chief Begin stated that the hourly rate per officer will increase annually (January 1<sup>st</sup>) in accordance with the Northeastern Area COLA increase.

**Vice Chairman Methot moved, Selectman Kurk seconded to accept the extra duty detail billing fee presented by Chief Begin dated May 16, 2005. Passed 4-0-0.**

Chief Begin stated that they need to set up a public hearing to accept a donation from Adamson Industries. He took a cruiser down to have lights installed and when they picked it up the owner gave him a bill stating that the work was donated. It was discussed that to advertise in the newspaper for a public hearing it costs about \$75.00 it was then determined to wait to accept this until it can be combined with another public hearing.

Chief Begin informed the Board that the department held a finger printing training class for the Boy Scouts to fulfill their requirements for a merit badge.

Chief Begin informed the Board that he meet with Frank Jones who was preparing a grant that was approved by Deputy Chief Quigley prior to him joining the Department. Chief Begin stated that the grant does not need the Board's signature but it never hurts. He spoke with Microsystems and tried to smooth over some of the issues from last year and is his personal opinion not to switch software at this time to IMC because of the years of experience with Microsystems. Vice Chairman Methot stated that the BOS did approve this in the past (early March minutes) and to check with the Deputy Chief. The grant is asking for specific IMC systems but because we have almost 10 years of data then it is more cost effective to stay with Microsystems and it would be wiser and cheaper to look into updating what we have instead of changing. The grant is moving forward with adaptations.

Chief Begin announced that the Police Department will be hosting a Senior Car Wash this weekend.

**3. DISCUSSION OF CEASE AND DESIST ORDER** – Mr. Don Boisvert, longtime resident of Weare, heard that he was going to be given a cease and desist and he wants the Board to explain why. Vice Chairman Methot stated he was the one who requested the cease and desist order and explained that the issue came up because there is another resident looking to do the same thing and the other man stated that all residents need to be treated the same. Mr. Boisvert feels that it was wrong to order a cease and desist on public television without informing him of this action first. Mr. Boisvert strongly feels that he has done nothing wrong and that the BOS was out of place in stating so. He has all the paperwork of the approval and feels that he should have been shown some respect. Selectman Kurk asked Mr. Boisvert if he has excavated more than 5,000 tons of gravel. Mr. Boisvert replied that he is right around there and at this time he is shifting things around. Selectman Kurk told Mr. Boisvert that back in June when he came in front of the BOS he said that he was going to come back with some diagrams and site plans. Mr. Boisvert stated that hasn't been done yet. Vice Chairman Methot said that this should have been done sooner. Mr. Boisvert said that when he previously came in front of the Planning Board he stated what he wanted to do down there and that the paperwork states that he is allowed to bring it down to road level. The state is making him go down to a certain grade.

## FINAL

Selectman Kurk said that the ordinance was written for 5,000 tons and if Mr. Boisvert was unsure of the 5,000 tons then this should have been voiced at the time. Mr. Boisvert feels that the 5,000 was brought up and said that it was his impression that the Board has the right to approve more than 5,000 tons. The previous Board gave him the permission to do this. Selectman Kurk asked Paul Morin to shed some light on this and asked him if the BOS has the authority to change the ordinance. Mr. Morin stated that the BOS does have the authority. Mr. Morin told Mr. Boisvert that if he were to present something involving earth product removal to the Planning Board then maybe the BOS could accept it.

Mr. Morin feels that Vice Chairman Methot is being humble in accepting all the blame for this when it is not his responsibility and feels that a past Board member was the one who pushed for this. Vice Chairman Methot asked Mr. Boisvert if he was pretty much done with the gravel down there. Mr. Boisvert stated that he would like to finish the level and the grading. Vice Chairman Methot said that further excavation of any gravel at this time would be improper. Mr. Boisvert would like to crush what else is there and would like to get rid of the loam because it is in his way. Vice Chairman Methot stated that any further excavation other than what Mr. Boisvert is planning to relocate needs to stop until he goes to the Planning Board and any further excavation will be discussed at that time. Mr. Boisvert stated that there is still a very small amount that needs to be removed. Selectman Kurk asked that if Mr. Boisvert goes to the Planning Board and there is still more to excavate then what does he do next. Vice Chairman Methot stated that it depends on what he wants to do for further improvements or expansion on his property and if extensive work still needs to be done then it has to come up for approval. Mr. Boisvert hasn't taken anything out of there since last fall. Selectman Kurk told Mr. Boisvert that no more gravel comes out until after approval.

Selectman Osborne stated that she wasn't a member of the Board when this originally came in front of them, but hopes that Mr. Boisvert accepts the apology from the Board of Selectman for any embarrassment this might of caused him.

**4. PLANNING BOARD CHAIRMAN MEETS WITH BOS** – Mr. Paul Morin handed out his calendar for the year for the Planning Board and what they will be addressing in their work sessions beginning with the CIP. Mr. Morin stated that the following are the Planning Boards targeted priorities. They are beginning a sub committee to review site plans. They have seen a lot of change-overs from one business type to another and are trying to make this process easier. Site plans that are in place at this time are inadequate. They are looking into training options for the new Board members through OEP and the planning commission which would take place twice a year. They are looking to adopt changes to the sub division - fire wards to consider allowing in-house sprinklers instead of cisterns. Mr. Morin stated that the Planning Board is going to be talking about a model for open space ownership and whether the town may want to take ownership of that parcel or just stay away. They are really trying to encourage open space and cluster developments. Hoping to make their own meetings more efficient, possibly adopting agendas with start and stop times. One of the new members of the Planning Board, Mr. George Malette will be heading up a district historical sites commission. Selectman Kurk likes the overview of the future and asked if this can be available to the public a month in advance. Mr. Morin stated that there is usually a need to change the agenda and feels it should be posted one week before the meeting. The website probably needs to have more content added.

**5. PARC CHAIRMAN MEET WITH BOS** – Mr. Metcalf stated that they had the Chase Park clean up. They launched a bunch of boats and have been getting grumbles from residents that are used to the open dates that they have done away with because of the inspections of weeds. Traditionally PARC has opened up the boat ramp for the people who live on the lake at no charge. Now they have to charge for the inspections and hold specific dates. If all goes well PARC plans on laying the first part of the sod on May 27. Mr. Carl Knapp feels that he can get the loam they need and will be taking a look at the paving. Anyone who has experience in laying

## FINAL

sod they are looking for people to help on May 27. This Saturday, May 2, the town playground will be constructed. There was a slight incident at Bolton Field which resulted in damage to the irrigation lines and if this repair is expensive they might need CIP funds.

Mr. Metcalf stated that WAC has indicated that they might be able to build the shed to house the pump. Chase Park will be open Memorial Day Weekend then open every weekend only until June 24.

Mr. Metcalf said that he received information from Mr. Christensen stating that the insurance for the playground would be \$400 and was wondering where the money would come from. Selectman Kurk stated that they didn't anticipate any cost at all. Mr. Metcalf hopes that PARC can split the cost with the town.

Selectman Osborne asked how the gatehouse was coming along. Mr. Metcalf said that the doors are not in yet, because of scheduling of BOS meetings and the fact that the bill was submitted the day after the last meeting and the contractor expected payment sooner to order materials. Mr. Metcalf stated that it will be completed within the next couple of days and once it is completed they will have Mr. Meany inspect the building.

Chief Begin mentioned that Mr. McDonald had spoken with him regarding posting Chase Park after dark and that he would like to set up an ordinance about posting after dark. It is posted against no parking along the road but there are no signs on the gates. Vice Chairman Methot believes that this was already adopted but feels that we should put a sign on the gate so that we are covered.

Selectman Kurk mentioned that there is an issue with a citizen using Bolton field for his ultra light airplane. There is an airplane ordinance but it only refers to residential areas. It was determined that something would be developed stating no landing of these planes on any town property because of safety issues. For courtesy a letter from the BOS needs to be sent to the gentleman using town fields for his plane until an ordinance is established.

**6. UPDATE ON SAFETY COMPLEX PROBLEMS** – Mr. Christensen said that he has had conversations with Local Government Center on ways to approach the contractors. Mr. Christensen spoke with Gary Chicone and he said that at the time of construction he spoke with the people involved regarding the overhangs and they said they were not necessary. Vice Chairman Methot said that the construction cost of the overhangs wouldn't differ much if they were put in at the time of construction or if they were done now and we need to get the issue fixed and if the overhangs are going to fix the problem and they cost \$2,000 then we need to do this. Vice Chairman Methot stated that we can take up expending the funds at the next meeting.

The issue regarding the toilet has happened in the past and Roto Rooter ran a camera down the line to investigate. There was a disagreement with what was actually looked at. Gary Chicone does want to fix anything that he did wrong. Mr. Christensen would like to talk to the second technician as to what he saw and is waiting for a return call. Mr. Christensen recommends having all parties present and sending a camera down into the toilet which will cost \$200 to find out how to fix this problem.

In regards to the roof vents, in an earlier conversation between Gary Chicone and Mr. Christen, Mr. Chicone said that they were put in according to code and feels that the problem is that someone needs to get up and clean off the snow so this problem doesn't occur. Vice Chairman Methot stated that a roofer in town is going to come by and give his opinion to see if there is a corrective action to take.

Mr. Christensen asked what the Boards thoughts were regarding the camera. Selectman Fiala stated that he is not convinced that there is a problem with the pipes but the issue is that we need to post a sign so that people not dispose of things in the toilet that don't belong. Chief Begin stated that the pipe is narrowing and if something gets caught it just snowballs. In response to Vice Chairman Methot's question if the restroom in

## FINAL

question was for public use, Chief Begin stated that it is not a public restroom. We have an invoice from Roto Rooter saying that the problem is with the pipes. It was determined that until any further action can be taken that notices will be put up asking that careful disposal be taken.

**7. CENTER FIRE STATION DISCUSSION** – Vice Chairman Methot updated the public that in a past meeting the BOS agreed to sell the property to the School Board for \$1 but they cannot accept this until it goes on the ballot. The School Board will be surveying this property. Vice Chairman Methot spoke with Mr. Knapp regarding the one resident that uses the town water. The town could possibly use the water supplies brought forth from the school.

**8. DISCUSSION OF SWEARING-IN ELECTED & APPOINTED POSITIONS** – There was a request for a discussion regarding this issue and Vice Chairman Methot hopes that this hasn't gotten out of control. He stated that Elected Officials are required to be sworn in but Appointed positions are not required. The exception being some positions that will be expending funds e.g., Planning and Zoning Boards. Vice Chairman Methot took on the mission of setting guidelines for appointees and will present this to the Board in a few weeks. Selectman Kurk mentioned that she called a couple of towns and some towns do swear in all their appointees. Selectman Kurk stated that we could separate those committees into those that have RSA to govern them and those that don't.

Mr. George Malette referred to Town and City Magazine dated May 2003 regarding which town officials are required to take the oath and who administers and it states "every town officer is required to take the oath - those who are elected and those who are appointed." Mr. Malette requested that if the Board is unsure of the procedures then they should proceed with caution. Vice Chairman Methot stated that is why they are developing a procedure. Selectman Fiala asked that if they take an oath does that give the Board the authority to revoke the oath if it is not withheld. Vice Chairman Methot stated that maybe the Ethics Committee could formulate this procedure. Mr. Forrest Esenwine spoke in regards to the Oath of Office stating if they are official then they should be given the Oath of Office. Vice Chairman Methot determined that this will be discussed further in the future.

## 9. MANIFESTS

**Vice Chairman Methot moved, Selectman Kurk seconded, to authorize the Board of Selectman to sign Manifest and order the Treasurer to sign checks dated May 19, 2005. Passed 4-0-0.**

|                  |                    |
|------------------|--------------------|
| Accounts payable | \$308,583.13       |
| Gross Payrolls   | <u>\$30,274.18</u> |
| Total            | \$338,857.31       |

**Selectman signed manifest and ordered the Treasurer to sign checks dated May 12, 2005.**

|                  |                    |
|------------------|--------------------|
| Accounts Payable | \$12,855.00        |
| Gross Payroll    | <u>\$31,053.96</u> |
| Total            | \$43,908.96        |

Vice Chairman Methot stated that the Board missed appointing a couple of individuals.

**Selectman Osborne moved, Selectman Fiala seconded to appoint Derek Geddes to the Cable Committee for a 3 year term. Passed 4-0-0.**

## FINAL

**Selectman Osborne moved, Selectman Kurk seconded to appoint David Abrams as an alternate member to the Cable Committee for a 3 year term. Passed 4-0-0.**

Vice Chairman Methot stated that there have been a lot of issues with posting things on the Cable Channel. Selectman Kurk mentioned that there have been 3 volunteers who have asked to be trained to put things up on the Cable Channel and no time has been scheduled to train them. Vice Chairman Methot stated that in the past few days the Selectman's Secretary has been doing this job and she is already overburdened. The training was supposed to be set up and it hasn't been scheduled yet. Vice Chairman Methot said that the dilemma is that we are putting all our eggs in one basket and the individual who is supposed to train these 3 volunteers hasn't been available. The BOS needs to meet with the Cable Committee to determine their goals. Selectman Fiala asked if we knew how much it would cost to update the software. Selectman Osborne responded that is \$3,200 to get a new program for the Cable Channel. Selectman Fiala mentioned asking the School what they do with their Cable Channel. Selectman Fiala asked if the Board could post a public meeting at an offsite location because the air needs to be cleared between the Cable Committee and get everyone working towards the same goal. Selectman Fiala feels that if the meeting is held in a public place then things might be handled more professionally and he doesn't want to meet with them in a non public. It has been done in the past to hold meetings with other committees to work out difficulties. We need to get the board up and possibly create other programs and solve all problems.

There was a discussion regarding sending a letter to the Department of Revenue requesting the emergency expenditure of funds for police vehicles.

### **10. ADMINISTRATIVE REPORT**

Vice Chairman Methot unsealed to bids for legal representation.

- Wadleigh, Starr & Peters, P.L.L.C. of Manchester - bid for legal services from \$200 per hour down to \$85
- Mitchell and Bates of Laconia - bid for legal services from \$155 per hour down to \$50 per hour depending on who is representing

Discussion and details will be reviewed and discussed at a later date.

Granite State Telephone sent a five year contract for Centrix phone system for 32 lines 5 years each at \$16.14 per line. Vice Chairman Methot stated he would like to do a comparison and discuss it at the next meeting

Mr. Christensen said they just received the Local Government Center Health Care contract for next year and asked if the Board wants this to go back out for bid. Mr. Christensen said they might get a better price but it is a real nightmare switching. Vice Chairman Methot said they projected a 26% increase and he doesn't want to put employees through a change over again. Selectmen Osborne asked what would happen if they go up on the copay? Vice Chairman Methot stated that they don't have a clear view of what the rate increase is and requested Mr. Christensen gather further information.

#### *Tax Collectors warrant:*

In the name of the State you are hereby directed to collect the property taxes in the list herewith committed to you, amounting to the sum of Five Million Five Hundred Thirty Three Thousand Four Hundred Ninety Four Dollars (\$5,533,494.00) and with interest at twelve (12%) percent per annum from July 1, 2005 thereafter, on all sums not paid on or before that day.

And we further order you to pay all monies collected to the Treasurer of said town at least on a weekly basis when receipts exceed Five Hundred Dollars (\$500.00) or more often when directed by the Commissioner of Revenue Administration. Given under our hands at Weare, New Hampshire, this Sixteenth day of May in 2005.

## FINAL

Selectman Kurk asked if anyone else has responded to the emergency management. Chief Richards and Chief Begin had expressed interest in doing this jointly. Selectman Kurk stated that she thought that they talked about not having first responders in the emergency management position. She stated that we should be prepared because that is the responsible thing to do and that there is money available. Selectman Fiala stated that we may need to get more exposure and awareness out there that there is a need to fill this position. It was mentioned that first responders would not be good candidates for this position because they are needed as responders on the scene. This position involves grant writing. Vice Chairman Methot said that they will put the need out there as much as they can but they might have the need to have a first responder fill this position. Selectman Kurk requested that Mr. Christensen get all the ads out there necessary to fill this position. It was determined that this issue will be revisited at the June 20 meeting.

Mr. Christensen mentioned that there was a letter from Jim Brown regarding a culvert on East Road backing up into his well. It was discussed that this letter needed to be forwarded to the Road Agent and that Mr. Christensen needs to follow-up on this matter.

Vice Chairman Methot discussed that the Board of Selectman meetings are public meetings but need to be kept under control. There are citizens with opinions but it is the call of the Chairman to allow the citizens to voice their opinions so as not to overburden the meetings.

Selectman Kurk mentioned that there has been some conversation regarding Selectman being on the Cable Committee and that the Cable Committee does not have an ex-officio and that doesn't mean that a Selectman cannot serve as a voting member of the Cable Committee.

Conservation Commission, PARC, and Planning Board have status of ex-officio - governed by statute.

Selectman Kurk asked the Board if they could agree to sign the Letter House Bill 515 regarding demolition debris. Vice Chairman Methot stated that this is the position they have supported in the past and feels that there is no reason not to sign this bill.

Vice Chairman Methot stated that there were 2 Betterment Assessments:

In the name of said State, you are directed to collect the Betterment Assessment on the following list herewith committed to you, amounting to the sum of Seven Hundred Ten Dollars and 22/100 (\$710.22) with interest at twelve percent (12%) per year.

The Betterment Assessment made against those owning land abutting Birchwood Drive, and Hemlock Drive amounting to the sum of One Thousand Eight Hundred Fifty-Six Dollars and 70/100 (\$1,856.70).

**Vice Chairman Methot moved, Selectman Kurk seconded to adjourn at 10:07 pm.**

## 11. ADJOURNMENT

A True Record.

---

Cherry Palmisano, Recording Secretary